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IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF WASHINGTON

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	:	
ALLIANCE FOR THE WILD ROCKIES,	:	No. 2:19-cv-00350-SMJ
	:	
Plaintiff	:	BRIEF IN SUPPORT OF MOTION OF
v.	:	CONSERVATION NORTHWEST, THE
	:	METHOW VALLEY CITIZENS COUNCIL,
UNITED STATES FOREST SERVICE; VICKI	:	AND THE WILDERNESS SOCIETY FOR
CHRISTIANSEN, Chief of the Forest Service;	:	LEAVE TO FILE AMICUS BRIEF IN
KRISTIN BAIL, Forest Supervisor of the	:	SUPPORT OF DEFENDANTS
Okanogan-Wenatchee National Forest; and	:	
GLENN CASAMASSA, Regional Forester for	:	
Region 6 of the U.S. Forest Service,	:	
	:	
Defendants	:	

I. INTRODUCTION

Proposed amici curiae Conservation Northwest, the Methow Valley Citizens Council, and The Wilderness Society respectfully request that the Court exercise its inherent discretion to approve their Motion for Leave to File Amicus Brief in Support of Defendants in this action. Counsel for Plaintiff and Defendants have been contacted and take no position on this motion.

II. ARGUMENT

Proposed amici and their members are deeply affected by the Forest Service's ability to proceed with the restoration efforts designed to be implemented in the Mission Restoration

1 Project that is at the heart of Plaintiff's lawsuit. They therefore write to offer guidance, from the
 2 perspective of long-standing conservation advocacy organizations, on the development of the
 3 Mission Restoration Project and the harmful impact to the affected landscape and aquatic
 4 environment of any court decision invalidating the Forest Service's environmental assessment
 5 and finding of no significant impact.

6 Absent specific local rules, district courts have broad discretion to grant leave to
 7 participate as amicus curiae. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on*
 8 *other grounds by Sandin v. Conner*, 515 U.S. 472 (1995); *see also Stuart v. Huff*, 706 F.3d 345,
 9 355 (4th Cir. 2013) (noting that non-parties have the option to file amicus briefs in district court
 10 proceedings and that such amici "often make useful contributions to litigation"). An amicus
 11 curiae brief should "normally be allowed", especially when "the amicus has unique information
 12 or perspective that can help the court beyond the help that the lawyers for the parties are able to
 13 provide." *Community Ass'n for Restoration of the Env't (CARE) v. DeRuyter Bros. Dairy*, 54 F.
 14 Supp. 2d 974, 975 (E.D. Wash. 1999).

15 There is no Federal Rule of Civil Procedure that applies to motions for leave to appear as
 16 amicus curiae in district court, so district courts exercising this discretion often look for guidance
 17 to Federal Rule of Appellate Procedure 29, which applies to amicus briefs in federal appellate
 18 cases. *See, e.g., Am. Humanist Ass'n v. Md.- Nat'l Capital Park & Planning Comm'n*, 147 F. Supp.
 19 3d 373, 389 (D. Md. 2015). FRAP 29 provides that prospective amici must file, along with the
 20 proposed brief, a motion that states "the movant's interest" and "the reason why an amicus brief
 21 is desirable and why the matters asserted are relevant to the disposition of the case." Fed. R. App.

1 Proc. 29(a)(3). Proposed amici here fulfill “the classic role of amicus curiae . . . in a case of general
 2 public interest[] ... [by] supplementing the efforts of counsel[] and drawing the court’s attention
 3 to law that might otherwise escape consideration.” *Funbus Sys., Inc. v. State of Cal. Pub. Utils.*
 4 *Comm’n*, 801 F.2d 1120, 1125 (9th Cir. 1986) (*citing Miller-Wohl Co. v. Comm’r of Labor &*
 5 *Indus.*, 694 F.2d 203, 204 (9th Cir. 1982)). Indeed, Conservation Northwest, the Methow Valley
 6 Citizens Council, and The Wilderness Society all have a strong interest in the underlying lawsuit,
 7 and as conservation organizations that strongly support the Mission Restoration Project have a
 8 unique perspective to offer the Court.

9 **A. Proposed Amici Curiae are Conservation Advocacy Organizations Who**
 10 **Participated in the Development of the Mission Restoration Project.**
 11

12 Conservation Northwest (CNW) is an advocacy organization based in Washington State
 13 whose mission is to conserve local wildlands and wildlife. CNW engages in science-based
 14 advocacy, and works on the ground to engage with scientists, agencies, and communities to
 15 advance restoration projects that improve the ecological resilience of forests and watersheds.
 16 CNW was an early player in the process of developing and engaging in Forest Service
 17 collaboratives, and has been an active member of the North Central Washington Forest Health
 18 Collaborative (Collaborative) that helped the Forest Service develop the Mission Restoration
 19 Project. CNW has a deep and longstanding organizational interest in the Methow Valley
 20 ecosystem where the Mission Restoration Project is located. CNW also was involved in the
 21 Methow Headwaters Campaign, which resulted in the successful passage of legislation
 22 preventing mining in the entire Methow River headwaters basin. CNW is also an active voice

1 strongly advocating for the protection of grizzly bear habitat and the recovery of a sustainable
2 grizzly bear population in the North Cascades ecosystem.

3 The Methow Valley Citizens Council (MVCC) is a community advocacy organization
4 dedicated to the protection of the Methow Valley's natural environment and character. MVCC
5 educates the public and key decision makers on environmental and land use issues, engages
6 citizen participation, and advocates - when necessary through litigation - to ensure that
7 environmental laws and regulations are followed. MVCC played a key role in the Methow
8 Headwaters Campaign, and worked closely with local citizenry, businesses, agencies and
9 governments, as well as other nonprofit organizations, to secure the protection of the Methow
10 River's headwaters from future mining activities. MVCC is also a strong advocate for local grizzly
11 bear population recovery efforts and has worked closely in partnership with Defenders of
12 Wildlife, Conservation Northwest, the National Parks Conservation Association and others to
13 build awareness and community support for sharing the landscape with the great bears. MVCC
14 informally participated in the Collaborative and the development of the Mission Restoration
15 Project for years, and became a formal member in 2017. MVCC supports the science behind the
16 2012 Okanogan-Wenatchee Forest Restoration Strategy, which replaced the more limited Dry
17 Forest Restoration Strategy and on which the Mission Restoration Project is based. MVCC is
18 committed to, and invested in, assisting the Forest Service in adaptively managing large
19 landscape projects like the Mission Restoration Project and in ensuring the Mission Restoration
20 Project's successful implementation.

1 The Wilderness Society (TWS) is a national non-profit organization whose mission is to
2 unite people to protect America's wild places. TWS's advocacy and actions are based in sound
3 science to protect and defend nature and create enduring solutions for future generations. Like
4 CNW and MVCC, TWS has strong roots in the Methow Valley and has spent a significant amount
5 of staff time and resources in advocating for the preservation and restoration of public lands in
6 the area. Most recently, TWS was a crucial player in the successful Methow Headwaters
7 Campaign, and provided strategic leadership, policy advocacy, and financial support to the
8 Campaign.

9 TWS has a long history of engaging in forest health collaboratives, including several in
10 Washington State and, in particular, the Collaborative. Indeed, TWS was one of the founding
11 members of that Collaborative, and a TWS staff member chaired the Collaborative's Projects
12 Workgroup from 2013-2016, when the Mission Restoration Project was intensively discussed
13 and developed. TWS worked closely with the Methow Valley Ranger District, in which the
14 Mission Restoration Project is located, to gather inventory data, inspect potential sites for
15 thinning, prescribed burning and road decommissioning, and conduct public outreach and
16 education. TWS is pleased with the project alternative ultimately selected by the Forest Service,
17 and supports the Mission Restoration Project because it is exemplary of the collaborative,
18 holistic, science-based active management that is needed to help the distinctive flora and fauna
19 of the eastern North Cascades region adapt to global climate change.

B. Proposed Amici Curiae have Strong Interest in this Case.

Proposed amici CNW, MVCC, and TWS have a strong interest in this case because each has invested substantial time and resources participating in collaborative processes that are designed to move land management projects forward despite deep and longstanding divisions among interest groups over the management of National Forest lands in Washington. Those processes enable a diverse range of citizens to work with the Forest Service to develop projects that improve the condition of the land and aquatic ecosystems, provide economic and scientific resources, and gain strong community support while complying with all applicable laws governing the management of National Forests.

Proposed amici CNW, MVCC, and TWS all have longstanding and deep organizational conservation interests in the public lands on the Okanogan-Wenatchee National Forest and participated in the development of the Mission Restoration Project that is the subject of this lawsuit and its restoration goals. CNW, MVCC, and TWS believe strongly that the Mission Restoration Project as approved by the Forest Service is an exemplary restoration project that is based on sound science and will provide crucial ecological benefits on a landscape scale to the project area. Proposed amici also believe the outcome of this case could have serious implications for the future of similar ongoing collaborative efforts on National Forest lands in which amici are involved, and the continued willingness of both the public and the Forest Service to engage in such efforts.

C. An Amicus Brief by CNW, MVCC, and TWS is Desirable and Relevant.

An amicus brief is desirable and relevant in this case because proposed amici offer expertise and perspectives that will be valuable to the Court and are not provided by any other party. While CNW, MVCC, and TWS agree with the Forest Service that the Mission Restoration Project is based on sound science and should be allowed to move forward, as citizen groups these conservation advocacy organizations provide an independent, environmental perspective on the application of the law to the facts of this case that differs from that of the Forest Service. Indeed, as non-profit organizations dedicated to protecting the wilderness and promoting ecosystem health, proposed amici offer a dramatically different understanding than Plaintiff of the development of the Mission Restoration Project and the effects that Project will have on the landscape. For these reasons, the amicus brief by CNW, MVCC, and TWS setting forth their views on the merits of the Mission Restoration Project will be of value to the Court.

III. CONCLUSION

For the foregoing reasons, proposed amici curiae CNW, MVCC, and TWS respectfully request that the Court grant their motion for leave to file an amicus brief in this matter.

DATED: August 28, 2020

/s/ Natalie N. Kuehler
Natalie N. Kuehler
Counsel for proposed *amici curiae*

CERTIFICATE OF SERVICE

I certify that on August 28, 2020, I served a copy of the foregoing Motion for Leave to File Amicus Brief via first-class mail and by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system on the following:

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